

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Joseph Gassoway,

Petitioner,

v.

Civil No. 16-43 (JNE/FLN)  
ORDER

Faribault Correctional Facility,

Respondent.

Petitioner filed a petition under 28 U.S.C. § 2254 for a writ of habeas corpus. In a Report and Recommendation dated May 13, 2016, the Honorable Franklin L. Noel, United States Magistrate Judge, recommended that the action be summarily dismissed, that Petitioner's application to proceed in forma pauperis be denied, that Petitioner's motion for an extension of time be denied as moot, and that no certificate of appealability be issued. The magistrate judge concluded that the petition was barred by the statute of limitations. No objection to the Report and Recommendation has been received.<sup>1</sup> The Court accepts the recommended disposition [Docket No. 13]. Therefore, IT IS

ORDERED THAT:

1. This action is SUMMARILY DISMISSED under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.
2. Petitioner's application to proceed in forma pauperis [Docket No. 4] is DENIED.

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<sup>1</sup> The Report and Recommendation notified Petitioner that the petition was subject to dismissal based on the statute of limitations. The opportunity to object to it afforded him an opportunity to address the issue. *See Day v. McDonough*, 547 U.S. 198, 209-10 (2006); *Wogoman v. Abramajtyis*, 243 F. App'x 885, 890 n.4 (6th Cir. 2007).

3. Petitioner's motion for an extension of time [Docket No. 8] is DENIED AS MOOT.
4. No certificate of appealability is issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 20, 2016

s/Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge